

ORDINANCE NO. 12-09

ORDINANCE APPROVING A FINAL PLAT OF ESTELLE MAURICE SUBDIVISION, ACCEPTING ALL DEDICATION OF AVENUES OR OTHER PUBLIC WAYS, TOGETHER WITH ALL EXISTING AND FUTURE PLANTING OF TREES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE. **PROPERTY LOCATED AT 1230 WEST 29 STREET AND 2800 WEST 12 AVENUE, HIALEAH, FLORIDA. PROPERTY ZONED C-2 (LIBERAL RETAIL COMMERCIAL DISTRICT)**

WHEREAS, the Planning and Zoning Board at its meeting of January 11, 2012 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The final plat of Estelle Maurice Subdivision, submitted by Armanalo Investments, Inc., a Florida domestic corporation, by and through its Secretary, Bruno Couture, is hereby accepted. Property located at 1230 West 29 Street and 2800 West 12 Avenue, Hialeah, Miami-Dade County, Florida, zoned C-2 (Liberal Retail Commercial District), and legally described as follows:

A REPLAT OF A PORTION OF TRACT 49 OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1 IN SECTION 11, TOWNSHIP 53 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT 49, ALSO BEING THE SOUTHEAST CORNER OF THE NORTH ½ OF THE NORTH ½ OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 11; THENCE SOUTH 89°42'29" WEST ALONG THE SOUTH LINE OF SAID TRACT 49, ALSO BEING THE SOUTH LINE OF SAID NORTH ½ OF THE NORTH ½ OF THE NORTHEAST ¼ OF THE

SOUTHEAST $\frac{1}{4}$ OF SECTION 11 FOR 35.01 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND; THENCE NORTH $01^{\circ}47'02''$ WEST ALONG THE WEST RIGHT-OF-WAY LINE OF WEST 12 AVENUE, AS IT NOW EXISTS, BEING ALONG A LINE 35.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID TRACT 49, ALSO BEING THE EAST LINE OF SAID SECTION 11, FOR 275.72 FEET; THENCE $N46^{\circ}02'07''W$ ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE AS RECORDED IN OFFICIAL RECORD BOOK 10185, PAGE 1413 AND OFFICIAL RECORD BOOK 10307, PAGE 330, BOTH OF SAID MIAMI-DADE COUNTY PUBLIC RECORDS FOR 34.89 FEET; THENCE SOUTH $89^{\circ}42'48''$ WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF WEST 29 STREET, AS IT NOW EXISTS, BEING ALONG A LINE 30.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 49, ALSO BEING THE NORTH LINE OF SAID SOUTHEAST $\frac{1}{4}$ OF SECTION 11, FOR 195.66 FEET; THENCE SOUTH $01^{\circ}47'02''$ EAST DEPARTING SAID SOUTH RIGHT-OF-WAY LINE AND PARALLEL WITH SAID EAST LINE OF TRACT 49 FOR 174.99 FEET; THENCE NORTH $89^{\circ}42'29''$ EAST ALONG A LINE PARALLEL WITH SAID SOUTH LINE OF TRACT 49 FOR 19.95 FEET; THENCE SOUTH $01^{\circ}47'02''$ EAST ALONG A LINE PARALLEL WITH SAID EAST LINE OF TRACT 49 FOR 125.11 FEET TO A POINT ON SAID SOUTH LINE OF TRACT 49; THENCE NORTH $89^{\circ}42'29''$ EAST ALONG SAID SOUTH LINE OF TRACT 49, ALSO BEING THE SOUTH LINE OF SAID NORTH $\frac{1}{2}$ OF THE NORTH $\frac{1}{2}$ OF THE NORTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 11 FOR 200.07 FEET TO THE POINT OF BEGINNING.

Section 2: All dedication of avenues or other public ways together with all existing and future planting, trees, shrubbery and fire hydrants thereon are hereby accepted.

Section 3: **Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

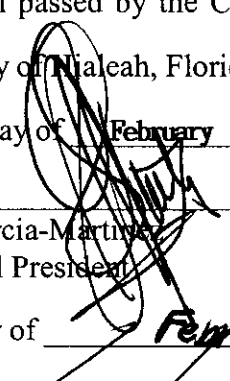
Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or section of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council of the City of Hialeah, Florida, and signed by the Mayor of the City of Hialeah, Florida.

PASSED and ADOPTED this 14th day of February, 2012.



Isis Garcia-Martinez
Council President


Attest:

Approved on this 15 day of February, 2012.



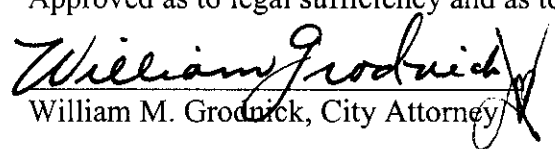
David Concepcion,

City Clerk



Mayor Carlos Hernandez

Approved as to legal sufficiency and as to form:



William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".